

A bill for an act

relating to elections; clarifying the restrictions on service of election judges; modifying the creation of election judge appointment lists; limiting requirements for use of lists of election judges prepared by major political parties; authorizing the appointment of additional election judges; eliminating requirements for election judges to initial ballots before use; amending Minnesota Statutes 2008, sections 204B.19, subdivision 2; 204B.21, subdivisions 1, 2; 204B.37; 204C.09; 204C.13, subdivision 5; 204C.18, subdivision 2; 204C.20, subdivision 2; 206.90, subdivision 6.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2008, section 204B.19, subdivision 2, is amended to read:

Subd. 2. **Individuals not qualified to be election judges.** (a) Except as provided in paragraph (b), no individual shall be appointed as an election judge for any precinct if that individual:

~~(a)~~ (1) is unable to read, write, or speak the English language;

~~(b)~~ (2) is the spouse, parent, child, including a stepchild, or sibling, including a stepsibling, of any election judge serving in the same precinct or of any candidate at that election; or

~~(c)~~ (3) is a candidate at that election.

(b) Individuals who are related to each other as provided in paragraph (a), clause (2), may serve as election judges in the same precinct, provided that they serve on separate shifts that do not run concurrently.

Sec. 2. Minnesota Statutes 2008, section 204B.21, subdivision 1, is amended to read:

Subdivision 1. **Appointment lists; duties of political parties and ~~county auditor~~ secretary of state.** On June 1 in a year in which there is an election for a partisan political

office, ~~the county or legislative district chairs of each major political party, whichever is designated by the state party,~~ shall prepare a list of eligible voters to act as election judges in each election precinct ~~in the county or legislative district.~~ The chairs political parties shall furnish the lists electronically to the county auditor of the county in which the precinct is located secretary of state, in a format specified by the secretary of state. The secretary of state must combine the data received from each political party under this subdivision and must process the data to locate the precinct in which the address provided for each potential election judge is located. If the data submitted by a political party is insufficient for the secretary of state to locate the proper precinct, the associated name must not appear in any list forwarded to an appointing authority under this subdivision. The secretary of state shall notify political parties of any proposed election judges with addresses that could not be located in a precinct.

By June 15, ~~the county auditor~~ secretary of state shall furnish electronically to the ~~appointing authorities~~ county auditor a list of the appropriate names for each election precinct in the jurisdiction of the appointing authority. ~~Separate lists shall be submitted by the county auditor for each major political party, noting the political party affiliation of each individual on the list.~~ The county auditor must promptly forward the appropriate names to the appropriate municipal clerk.

Sec. 3. Minnesota Statutes 2008, section 204B.21, subdivision 2, is amended to read:

Subd. 2. **Appointing authority; powers and duties.** Election judges for precincts in a municipality shall be appointed by the governing body of the municipality. Election judges for precincts in unorganized territory and for performing election-related duties assigned by the county auditor shall be appointed by the county board. Election judges for a precinct composed of two or more municipalities must be appointed by the governing body of the municipality or municipalities responsible for appointing election judges as provided in the agreement to combine for election purposes. Except as otherwise provided in this section, appointments shall be made from lists furnished pursuant to subdivision 1 subject to the eligibility requirements and other qualifications established or authorized under section 204B.19. At least two election judges in each precinct must be affiliated with different major political parties. If no lists have been furnished or if additional election judges are required after all listed names in that municipality have been exhausted, the appointing authority may appoint other individuals who meet the qualifications to serve as an election judge, including persons who are not affiliated with a major political party. The appointments shall be made at least 25 days before the election at which the election judges will serve, except that the appointing authority may pass a resolution authorizing

3.1 the appointment of additional election judges within the 25 days before the election if the
3.2 appointing authority determines that additional election judges will be required.

3.3 Sec. 4. Minnesota Statutes 2008, section 204B.37, is amended to read:

3.4 **204B.37 BACK OF BALLOT.**

3.5 On the back of all ballots shall be printed the words "Official Ballot", and the date
3.6 of the election ~~and lines for the initials of at least two election judges~~. The words shall
3.7 be printed so that they will be visible when the ballot is properly folded for deposit in
3.8 the ballot box.

3.9 Sec. 5. Minnesota Statutes 2008, section 204C.09, is amended to read:

3.10 **204C.09 BALLOT ~~PREPARATION~~ DISTRIBUTION BY ELECTION**
3.11 **JUDGES.**

3.12 ~~Subdivision 1. **Initialing.** Before the voting begins, or as soon as possible after it~~
3.13 ~~begins, at least two election judges shall each initial the backs of all the ballots. The~~
3.14 ~~election judges shall not otherwise mark the ballots.~~

3.15 Subd. 2. **Distribution procedure.** Official ballots shall be distributed only in the
3.16 room containing the voting booths and only to individuals who are about to vote, except as
3.17 otherwise provided in section 204C.15, subdivision 2. ~~No official ballot shall be distributed~~
3.18 ~~to a voter unless it has been initialed by the election judges as provided in subdivision 1.~~

3.19 Sec. 6. Minnesota Statutes 2008, section 204C.13, subdivision 5, is amended to read:

3.20 Subd. 5. **Deposit of ballots in ballot boxes.** The voter shall then withdraw from
3.21 the voting booth with the ballots and hand them to the election judge in charge of the
3.22 ballot boxes. That election judge shall immediately deposit each ballot in the proper box.
3.23 ~~Ballots that have not been initialed by the election judges as provided in section 204C.09,~~
3.24 ~~shall not be deposited in the ballot box.~~

3.25 Sec. 7. Minnesota Statutes 2008, section 204C.18, subdivision 2, is amended to read:

3.26 Subd. 2. **Ballots; identifying marks; penalty.** No voter, election judge, or other
3.27 individual shall place at any time a mark as a means of identification upon any ballot
3.28 handed to or cast by a voter or upon spoiled or discarded ballots, ~~except the initials~~
3.29 ~~authorized by section 204C.09.~~ A violation of this subdivision is a gross misdemeanor.

3.30 Sec. 8. Minnesota Statutes 2008, section 204C.20, subdivision 2, is amended to read:

4.1 Subd. 2. **Excess ballots.** If two or more ballots are found folded together like
4.2 a single ballot, the election judges shall lay them aside until all the ballots in the box
4.3 have been counted. If it is evident from the number of ballots to be counted that the
4.4 ballots folded together were cast by one voter, the election judges shall preserve but not
4.5 count them. ~~If the number of ballots in one box exceeds the number to be counted, the~~
4.6 ~~election judges shall examine all the ballots in the box to ascertain that all are properly~~
4.7 ~~marked with the initials of the election judges. If any ballots are not properly marked with~~
4.8 ~~the initials of the election judges, the election judges shall preserve but not count them;~~
4.9 ~~however, if the number of ballots does not exceed the number to be counted, the absence~~
4.10 ~~of either or both sets of initials of the election judges does not, by itself, disqualify the~~
4.11 ~~vote from being counted and must not be the basis of a challenge in a recount. If there is~~
4.12 ~~still~~ an excess of properly marked ballots, the election judges shall replace them in the
4.13 box, and one election judge, without looking, shall withdraw from the box a number
4.14 of ballots equal to the excess. The withdrawn ballots shall not be counted but shall be
4.15 preserved as provided in subdivision 4.

4.16 Sec. 9. Minnesota Statutes 2008, section 206.90, subdivision 6, is amended to read:

4.17 Subd. 6. **Ballots.** In precincts using optical scan voting systems, a single ballot card
4.18 on which all ballot information is included must be printed in black ink on white colored
4.19 material except that marks not to be read by the automatic tabulating equipment may
4.20 be printed in another color ink.

4.21 On the front of the ballot must be printed the words "Official Ballot" and the date of
4.22 the election ~~and lines for the initials of at least two election judges.~~

4.23 When optical scan ballots are used, the offices to be elected must appear in the
4.24 following order: federal offices; state legislative offices; constitutional offices; proposed
4.25 constitutional amendments; county offices and questions; municipal offices and questions;
4.26 school district offices and questions; special district offices and questions; and judicial
4.27 offices.

4.28 On optical scan ballots, the names of candidates and the words "yes" and "no" for
4.29 ballot questions must be printed as close to their corresponding vote targets as possible.

4.30 The line on an optical scan ballot for write-in votes must contain the words "write-in,
4.31 if any."

4.32 If a primary ballot contains both a partisan ballot and a nonpartisan ballot, the
4.33 instructions to voters must include a statement that reads substantially as follows: "THIS
4.34 BALLOT CARD CONTAINS A PARTISAN BALLOT AND A NONPARTISAN
4.35 BALLOT. ON THE PARTISAN BALLOT YOU ARE PERMITTED TO VOTE FOR

5.1 CANDIDATES OF ONE POLITICAL PARTY ONLY." If a primary ballot contains
5.2 political party columns on both sides of the ballot, the instructions to voters must
5.3 include a statement that reads substantially as follows: "ADDITIONAL POLITICAL
5.4 PARTIES ARE PRINTED ON THE OTHER SIDE OF THIS BALLOT. VOTE FOR
5.5 ONE POLITICAL PARTY ONLY." At the bottom of each political party column on the
5.6 primary ballot, the ballot must contain a statement that reads substantially as follows:
5.7 "CONTINUE VOTING ON THE NONPARTISAN BALLOT." The instructions in section
5.8 204D.08, subdivision 4, do not apply to optical scan partisan primary ballots. Electronic
5.9 ballot displays and audio ballot readers must follow the order of offices and questions on
5.10 the optical scan or paper ballot used in the same precinct, or the sample ballot posted for
5.11 that precinct.